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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)	
Equal Access and Interconnection)	CC Docket No
		94-54
Obligations Pertaining to)	RM-8012
Commercial Mobile Radio Services)	

REPLY COMMENTS OF COMCAST CORPORATION

COMCAST CORPORATION

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SUMMARY

Since non-dominant Commercial Mobile Radio Services ("CMRS") providers share neither the history nor the market power that characterize the Bell Operating Companies ("BOCs") and their affiliated companies, Comcast Corporation ("Comcast") urges the Commission not to impose burdensome MFJ-like equal access obligations on non-BOC affiliated cellular providers and other emerging CMRS providers, to the detriment of the public. The BOCs' domination over the local exchange market, and the monopoly LECs' natural incentive and ability to favor their own wireless affiliates, provides the factual predicate for the imposition of equal access obligations on BOC-affiliated cellular service providers. No similar factual predicate exists, however, for the imposition of equal access obligations on non-wireline, independent cellular carriers, such as Comcast.

The Commission explicitly recognized the regulatory significance of the BOCs' control of the local exchange in determining whether to extend MFJ restrictions to AT&T/McCaw, as a condition of Commission approval of their proposed merger. Any contrary finding in this proceeding would be indefensible on appeal.

Mandating that equal access be provided by non-dominant cellular carriers also will deny the public important benefits that result from the packaging of services, particularly where the prospect of anti-

competitive behavior is minimal. Specifically, requiring non-dominant CMRS providers to provide a BOC type of equal access will prevent them from offering combined services to the public on a through-rate basis, thereby diminishing efficiency and inhibiting the ability of smaller IXC's to compete with such companies as AT&T, MCI and Sprint.

If the Commission were to mandate a form of equal access for non-dominant cellular and CMRS providers, non-BOC affiliated cellular and CMRS providers should be permitted to recover from IXC's both the direct cost of providing equal access and interconnection, as well as a portion of the network joint and common costs attributable to the provision of such interconnection. If equal access is imposed upon the balance of medium and small independent cellular operators and new PCS entrants, Comcast urges that the Commission adopt a cost recovery structure that compensates non-BOC affiliated cellular carriers to the same extent that BOC's are compensated for the provision of equal access.

Comcast further would oppose the choice of Local Area Transport Areas ("LATAs") as the relevant equal access service area because they are ill-suited to the realities of the cellular and emerging CMRS markets and detrimental to the growth of wireless competition. LATA-based equal access obligations imposed on BOC landline and cellular companies by the MFJ have never corresponded to the Commission's approach to cellular licensing or the measures the

Commission has taken to promote the development of cellular service.

Should the Commission require CMRS equal access, Comcast recommends that non-BOC affiliated cellular providers be permitted to subscribe current customers to their pre-contracted IXC, and subsequently offer equal access to all new customers from the date equal access is ordered. This proposal appropriately balances the interests associated with equal access and provides for an orderly transition to an equal access environment. Similarly, dial around capabilities should be deemed adequate to permit customer choice during the early developmental stages of the CMRS marketplace. The utilization of 10XXX code dialing arrangements is a viable, cost-effective method of providing customers the ability to choose their IXC, without incurring the significant expense of 1+ equal access.

Should equal access be mandated, Comcast submits that all non-dominant CMRS providers, including cellular resellers, be subject to similar regulation. Once the Commission decides that vast differences between BOC-affiliated cellular service providers and independent cellular carriers are not sufficient to support distinct regulation, it is impossible to argue that different equal access obligations should be imposed on different non-dominant CMRS providers.

It also is imperative that if equal access is mandated, a reasonable phase-in period be established, after the time a bona fide request for equal access service is received, to convert end offices and switches. A flash cut to equal access will be prohibitively expensive and technologically difficult.

Finally, Comcast is concerned that the Commission has not adequately considered the impact of BOC involvement in the monopoly local exchange market, the cellular market and potentially the IXC market in proposing a cellular equal access requirement. Specifically, Comcast is concerned that the Commission has not yet focussed on sufficient safeguards to prevent the misuse of Customer Proprietary Network Information ("CPNI") by BOCs such as Bell Atlantic.

Additionally, an IXC access rule should not require Comcast to, in any way, provide advertising for its competitor's IXC affiliate. Comcast submits that as a cellular carrier striving to become a local services competitor, it is totally inappropriate and fundamentally unfair for Comcast to be forced to ballot or bill its customers on behalf of Bell Atlantic.

* * * *

Resellers have failed to make the case for adoption of physical interconnection requirements for "switch-based" resale. As Comcast reflected in its Comments, the economics of a switch to switch unbundling

requirement have not been demonstrated in a manner that would justify this type of interconnection. The public interest is better served by a requirement that CMRS providers be facilities based operators and not "resellers" seeking to benefit from a form of "access" to cellular networks that was never contemplated by the Commission's previous resale requirements and will not provide the appropriate incentives to carriers to build out their wireless networks. Unlike the existing local exchange market, the wireless marketplace is now and will become increasingly competitive. Moreover, most CMRS providers still have a great deal of infrastructure costs to be incurred to serve an expanding wireless citizenry -- and without the benefit of rate subsidization or assurances of any rate of return. To permit switched-based access, and with it syphoning of customers, to those who otherwise have no costs could cripple the development of new entrants and expansion of existing networks.

Comcast's comments contained by far the most comprehensive proposal to move CMRS interconnection forward towards the Commission's goal of wired and wireless competition in a network of networks. Rather than merely reiterating a requirement that there be mutual compensation between the Local Exchange Carrier ("LEC") and a CMRS provider, Comcast advocated the adoption of a model or structure for that reciprocal relationship. Comcast urges

the Commission to adopt its model of mutuality as a basic requirement for all CMRS interconnection with LECs.

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REPLY COMMENTS OF COMCAST CORPORATION

Comcast Corporation ("Comcast"), by its attorneys, hereby submits its reply comments in response to submissions made in the context of the Federal Communications Commission's (the "Commission") equal access and interconnection rulemaking proceeding.^{1/}

I. INTRODUCTION

In Comments filed in this docket on September 12, 1994, Comcast opposed the imposition of costly and burdensome equal access obligations on non-Bell Operating Company ("BOC") affiliated cellular providers and other emerging Commercial Mobile Radio Services ("CMRS") operators. Comcast urged that the Commission's regulatory policies recognize important distinctions between dominant Local Exchange Carrier ("LEC") and non-dominant CMRS providers. Specifically, Comcast argued that application of the Modified Final Judgment's ("MFJ") equal access

^{1/} See Notice of Proposed Rulemaking and Notice of Inquiry, Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Services, CC Docket No. 94-54, FCC 94-145 (adopted June 9, 1994, released July 1, 1994) (hereafter "Notice").

obligations to entities holding no market power is unwarranted and would inhibit the development of competition in the wireless marketplace.

In its recent approval of the AT&T/McCaw merger, the Commission explicitly confirmed Comcast's view that BOC affiliated cellular carriers can and should be treated as distinct from their independent counterparts as a result of their ability to impact the level of competition in related telecommunications markets. Because non-dominant CMRS providers share neither the history nor the market power that characterize the BOCs and their affiliated companies, Comcast urges the Commission not to impose burdensome MFJ-like equal access obligations on non-BOC affiliated cellular providers and other emerging CMRS providers, to the detriment of the public.

Nevertheless, if the Commission chooses to impose these obligations on all CMRS prematurely, Comcast also addresses herein issues regarding the implementation of equal access. Specifically, Comcast is concerned that the costs of providing equal access be borne by those reaping its benefits, and that an equitable implementation plan be established that does not hinder the ability of emerging CMRS providers to compete with entrenched telecommunications service providers in the delivery of wireless services. Competition in the CMRS marketplace will be encouraged only

if the Commission carefully transitions to an equal access environment.

II. EQUAL ACCESS OBLIGATIONS SHOULD NOT BE IMPOSED ON NON-DOMINANT CMRS PROVIDERS.

A. Regulatory Parity Offers No Basis For Imposing Uniform Equal Access Obligations On All CMRS.

As discussed in Comcast's Comments, it is imperative to the competitive development of the CMRS marketplace that the Commission's equal access determinations reflect the fact that all CMRS providers are not identical in terms of market power or their ability to absorb the costs of BOC-type equal access. Although many of the BOCs would have the Commission slavishly impose identical equal access obligations on all CMRS providers in reaction to their own MFJ obligations, their comments conveniently ignore the reality that BOC-affiliated cellular providers command significant competitive benefits through having been granted LEC set-aside properties and through the association of those markets with the landline network monopoly.

This domination over the local exchange market, and the monopoly LECs' natural incentive and ability to favor their own wireless affiliates, provides the factual predicate for the imposition of equal access obligations on BOC-affiliated cellular service providers. However, no similar factual predicate exists for the imposition of equal

access obligations on non-wireline, independent cellular carriers such as Comcast. Unlike BOC-affiliated cellular carriers, non-wireline cellular carriers have no bottleneck facilities from which to leverage competitive advantages.

Indeed, the Commission has explicitly recognized the regulatory significance of the BOCs' control of the local exchange in determining whether to extend MFJ restrictions to a non-BOC affiliated cellular carrier. In the context of the AT&T/McCaw merger, the BOCs requested that the Commission impose restrictions upon AT&T/McCaw similar to those imposed on the BOCs by the MFJ court. In rejecting this request, the Commission stated that:

the rationale for the MFJ's limitations on the BOCs -- the existence of a long-entrenched exchange service bottleneck encompassing virtually every home and business in the BOCs' territories -- does not apply to AT&T/McCaw. In the absence of a factual rationale for applying the MFJ to AT&T/McCaw, doing so would be counterproductive.^{2/}

The same rationale underscores the common sense position that non-dominant CMRS providers should not be forced to provide equal access. Any Commission directive mandating that equal access be provided by non-BOC affiliated cellular service providers and other emerging CMRS providers would simply be indefensible in light of the

2/ See Memorandum Opinion and Order, FCC File No. ENF-93-44 and File No. 05288-CL-TC-1-93 et al, FCC 94-238 at ¶ 32 (adopted September 19, 1994, released September 19, 1994) (hereafter "AT&T/ McCaw Order").

Commission's decision not to impose the same restrictions with respect to the acquisition of the largest cellular service provider by the largest national telecommunications company.

As for the BOCs' argument that the Budget Act requires regulatory parity between all CMRS operators,^{3/} the Commission has found that "the Communications Act does not require parity between competitors as a general principle."^{4/} Such arguments simply disregard the Commission's statutory discretion to vary regulation when market conditions justify differences in the regulatory treatment among CMRS providers.^{5/} Even prior to the Commission's Order confirming as much, a significant number of commenters agreed that differences between dominant and

3/ See e.g. Comments of Pacific Bell at 2-3; Comments of Bell Atlantic Companies at 11-12; Comments of Bell South Corporation at 31-33; Comments of NYNEX at 6-8; Comments of Ameritech at 1.

4/ See AT&T/McCaw Order at ¶ 32.

5/ See § 332(c)(1)(C); House Conf. Rep. No. 103-213 at 491. Again, it would be odd if not entirely arbitrary for the Commission to reach that conclusion with respect to a merger which will undoubtedly be a precursor to AT&T's reemergence as the largest vertically integrated local and long distance telecommunications provider in September of 1994, only to reach the opposite conclusion a few months later with respect to companies which have no market power, no history of monopolization, no bottleneck facilities and no comparable size and scope.

non-dominant CMRS providers are a legitimate basis for distinct regulation.^{6/}

Without question, LEC or BOC affiliated cellular carriers disagree. Having been unsuccessful to date in their relentless lobbying for relief from certain MFJ restrictions, including equal access, the BOCs seek to enhance their already formidable competitive position by burdening emerging competitors with MFJ obligations that would reinforce the BOCs' ability to dominate the IXC and cellular markets. Fortunately, the Commission has already addressed this argument as well, first, in concluding that "MFJ issues are most properly addressed to the court that applies it, or to Congress," and second, in concluding that if "the MFJ restricts competition in undesirable ways [as the BOCs assert], expanding its application to the BOCs' competitors would only compound the harm to competition."^{7/}

6/ See e.g. Comments of OneComm Corporation at 7-8; Comments of Americell PA-3 Limited Partnership at 2-4; Comments of Columbia PCS, Inc. at 2-5; Comments of Dakota Cellular, Inc. at 2; Comments of Florida Cellular RSA Limited Partnership at 2-4; Comments of Lake Huron Cellular Corporation at 2-3; Comments of Miscellco Communications, Inc. at 3-4; Comments of ALLTEL Mobile Communications, Inc. at 2-5; American Personal Communications, Inc. at 3; Comments of CTIA at 3-15; Comments of Dial Page at 2; Comments of First Cellular of Maryland, Inc. at 1-3; Comments of National Telephone Cooperative Association at 2; Comments of New Par at 2-5; Comments of Palmer Communications, Incorporated at 2-4; Comments of RAM Mobile Data USA Limited Partnership at 1-2; Comments of Triad Cellular at 2-3; Comments of Union Telephone Company at 2; Comments of Vanguard Cellular Systems, Inc. at 4-10; Comments of Western Wireless Corporation at 2.

7/ See AT&T/McCaw Order at ¶ 32.

Comcast and the other few remaining independent cellular operators, most of whom operate properties nowhere near major commercial centers,^{8/} should be accorded no less consideration by the Commission on these issues than was given to AT&T and McCaw. In evaluating that merger the Commission in essence reached two conclusions. First, that the MFJ restrictions are based upon factual predicates that simply do not apply to non-BOC cellular carriers; and, second, that "regulatory parity" does not dictate identical treatment where similar factual predicates do not exist. When applied, each of these conclusions support not imposing equal access obligations upon the balance of independent cellular operators.

B. Mandating equal access will deny the public the benefit of service "packaging."

If equal access obligations are imposed on non-dominant cellular carriers, as well as other emerging CMRS providers, the Commission will deny the public important benefits that result from the packaging of services, particularly where the prospect of anti-competitive behavior is minimal. Specifically, requiring non-dominant CMRS providers to provide a BOC type of equal access will prevent them from offering combined services to the public on a

^{8/} Only Comcast and GTE operate systems within the top twenty-five cellular markets, a total of five. With AT&T/McCaw having voluntarily consented to equal access, the remaining 45 cellular systems in the top 25 markets are subject to equal access obligations.

through-rate basis, thereby diminishing efficiency and inhibiting the ability of smaller IXCs to compete with such companies as AT&T, MCI and Sprint.

As stated by Comcast in its Comments, the ability of independent cellular carriers to buy interexchange services in bulk and market the combined services to the public at a single rate assists both the non-BOC affiliated cellular carrier in competing with its BOC affiliated counterpart, smaller IXCs that seek a ready market for their long distance services, and consumers who desire bundled offerings, larger coverage areas and other benefits (e.g., free long distance, PNS trials).^{9/} The benefits and efficiencies achieved by offering non-BOC affiliated cellular providers the flexibility to combine cellular and IXC service in this manner cannot be summarily disregarded or casually denied.

The Commission recently acknowledged, in its approval of the AT&T/McCaw merger, that permitting CMRS providers to bundle distinct services results in important public interest benefits, even where in that context the bundled services would be provided by the dominant interexchange carrier and the largest cellular carrier. The Commission specifically found that denying a bundled

^{9/} See Comments of Comcast at 28-29; see also Comments of GEOTEK at 8-9; Comments of Lake Huron Cellular Corporation at 3; Comments of Saco River Cellular Telephone Company at 3.

IXC/cellular rate to cellular users would not only result in denying customers the availability of postalized rates, and a single billed rate per call, but it could limit customers' ability to minimize their telephone charges.^{10/} Similarly, the Commission observed that prohibiting service bundling would deny small users the benefits of lower long distance rates that can be obtained through negotiations between the cellular carrier and the IXC for volume-discounted rates.^{11/}

In response to BOC lobbying to prohibit AT&T/McCaw from bundling cellular and interexchange service, the Commission found "no sound basis to impose regulatory restraints upon AT&T/McCaw solely to neutralize the effects of constraints imposed on the BOCs by the MFJ court."^{12/} Subject to limited conditions, the Commission approved the bundling of local cellular and long distance service.^{13/} In doing so, the Commission specifically noted that (1) the bundling of cellular and long distance rates would not have anti-competitive effects; and (2) users would be denied the

10/ AT&T/McCaw Order at ¶ 75.

11/ Id.

12/ See AT&T/McCaw Order at ¶ 74.

13/ The Commission conditioned its approval of the AT&T/McCaw merger on (1) AT&T not discriminating in favor of McCaw and against its other customers for cellular equipment under existing contracts; and (2) AT&T and McCaw taking steps to prevent third parties' proprietary data from falling into the other's hands. See AT&T/McCaw Order at ¶ 20.

current and prospective benefits of bundling only if presented with a compelling public interest justification.^{14/}

Based on the record before the Commission, and its recent findings in the AT&T/McCaw Order, there are simply no countervailing reasons for mandating equal access for all CMRS, including non-dominant cellular carriers, and prohibiting what the Commission has most recently recognized as a publicly beneficial ability to bundle cellular and interexchange services. As the largest non-wireline cellular carrier, if AT&T/McCaw is not prohibited from bundling, neither should a significantly smaller, independent cellular provider such as Comcast.^{15/}

^{14/} Interestingly, the largest IXC's, though claiming to require equal access to provide tailored services to their customers, have enjoyed equal access in a large number of markets and yet have failed to provide the flexible rate plans that they now claim can only be offered if equal access obligations are imposed. Comcast urges the Commission not to impose equal access on non-dominant cellular and other CMRS providers at least until evidence is submitted showing that in markets where equal access is available, increased usage and lower prices for mobile services have resulted. Accord Comments of Telephone and Data Systems at 15; see also Comments of NYNEX at 6 (stating that the imposition of equal access obligations will not result in lower prices and increased customer choice).

^{15/} In considering the costs and benefits of mandating equal access for non-dominant cellular providers and other CMRS operators, it is important to recognize that in the top twenty-five cellular markets, forty-five (45) of the fifty (50) carriers are or will be providing equal access. In each of those markets, at least one carrier provides or will be providing equal access. Thus, any perceived benefit of imposing equal access obligations on all CMRS will be minimal compared to the detrimental impact such obligations will have on both the cellular and IXC markets.

Moreover, as discussed in further detail in Comcast's comments, prematurely mandating that equal access be provided by all CMRS providers will (1) transfer revenues from non-wireline cellular operators and small IXCs to large facilities-based IXCs including BOCs; (2) obliterate significant business opportunities currently enjoyed by smaller IXCs; (3) relegate non-wireline cellular carriers to the sidelines as the Commission adopts rules that permit facilities-based interexchange carriers to create and manage a "network of networks;" and (4) result in a reduction of competition within CMRS, between CMRS and the local bottleneck, and among IXCs who otherwise would have to compete for the business of independent cellular operators.

III. IF BOC-TYPE EQUAL ACCESS IS IMPOSED, THE COMMISSION MUST ESTABLISH EQUITABLE COST RECOVERY RULES THAT DO NOT REQUIRE THAT THE COSTS OF EQUAL ACCESS CONVERSION BE BORNE BY CELLULAR END-USERS.

Imposing equal access obligations on non-dominant CMRS providers will inhibit the development of competition in the wireless marketplace. Nevertheless, if the Commission were to mandate a form of equal access implementation for non-dominant cellular and CMRS providers, a principal concern is the establishment of an equitable framework for the reimbursement of costs incurred in the provision of equal access.

As recognized by a large number of commenters, the costs of mandating equal access for non-BOC affiliated CMRS

providers will be both significant and potentially debilitating.^{16/} For instance, the modifications to non-wireline cellular networks required to offer BOC-type equal access include significant modifications of equipment, software and switching mechanisms. Moreover, the impact of such requirements will be borne disproportionately by non-wireline cellular carriers and emerging CMRS providers that do not have the resources traditionally available to BOC-affiliated entities. These simple facts necessitate that the Commission establish a method for cost recoupment where non-dominant cellular providers and other CMRS operators are not compelled to financially support IXC access to their customers.^{17/}

There can be little question that the benefits of equal access inure solely to the interexchange carriers. Nevertheless, non-dominant cellular and CMRS providers, and their subscribers, will be forced to incur the costs of maintaining the links with these long distance carriers that

^{16/} See, e.g., Comments of Americell PA-3 Limited Partnership at 3; Comments of CTIA at 32-34; Comments of Century Cellunet, Inc. at 4-6; Comments of Columbia PCS, Inc. at 3; Comments of First Cellular of Maryland, Inc. at 3; Comments of Miscellco Communications, Inc. at 4-6; Comments of Palmer Communications Incorporated at 4-6; Comments of Sagir, Inc. at 3-4; Comments of Telephone and Data Systems, Inc. at 3-7.

^{17/} As identified by New Par, the costs of equal access include the costs of: (1) modifying hardware and software; (2) balloting and allocation; (3) post-balloting ascertainment of IXC preferences; (4) customer education; and (5) implementation of changes at customer request. See Comments of New Par at 17-18.

permit wireless customers to choose their long distance carriers. Non-wireline cellular and CMRS providers should be permitted to recover reasonable costs of conversion through a conversion charge assessed upon their IXC access customers.

In its Cellular Interconnection Order, the Commission stated that cellular carriers are entitled to just and reasonable compensation for their provision of equal access.^{18/} Thus, non-BOC affiliated cellular and CMRS providers should be permitted to recover from IXCs both the direct cost of providing equal access and interconnection, as well as a portion of the network costs attributable to the provision of such interconnection.^{19/}

Comcast urges that the Commission adopt a cost recovery structure that compensates non-BOC affiliated cellular carriers to the same extent that BOCs are compensated for the provision of equal access. The Commission must establish rules that prevent "free-riders" from benefiting from equal access without absorbing a

^{18/} See Memorandum Opinion and Order on Reconsideration, Cellular Interconnection Proceeding, 4 FCC Rcd 2369, 2373 (1989) ("cellular carriers and telephone companies are equally entitled to just and reasonable compensation for their provision of interstate access").

^{19/} See Comments of Century Cellunet, Inc. at 18-19 (urging the Commission to establish a mechanism for cellular carriers to recover their full costs of network upgrades, reconfiguration, balloting, customer education and administration).

proportionate share of the significant costs incurred in making equal access technologically available.

IV. IF BOC-TYPE EQUAL ACCESS IS IMPOSED, THE MANDATE SHOULD NOT INCLUDE ALL THE BURDENSOME ELEMENTS OF LANDLINE EQUAL ACCESS.

Should the Commission determine that imposition of equal access obligations on all CMRS is in the public interest, Comcast submits that the Commission's requirements reflect that its determinations are not being made in the context of a non-competitive marketplace. As recognized by the Commission in the AT&T/McCaw Order, the Commission is not seeking to restrict wireless market participants who wield significant market power. Accordingly, the Commission need not apply the MFJ's equal access requirements specifically to all CMRS. In fact, Comcast maintains that a number of modifications to the MFJ requirements are necessary if CMRS is to develop into a viable competitor to the local exchange.

A. The Commission should not adopt the LATA as the appropriate service area for determining CMRS "local" service areas.

In considering the specifics of imposing equal access obligations on all CMRS, a number of parties have recommended that Local Access Transport Areas ("LATAs") be used as the relevant service area for determining the boundaries at which calls must be handed-off to a

presubscribed IXC.^{20/} Principally, the IXCs have urged the Commission to adopt these areas because they are "well known" and have been established in the context of the MFJ as the relevant service area for landline and BOC affiliated cellular equal access obligations.^{21/} Others have argued that Major Trading Areas ("MTAs") are inappropriate for defining the scope of equal access obligations because they reflect patterns of "commercial activity," not patterns of "personal movement."^{22/}

Comcast opposes the choice of LATAs as the relevant equal access service area because they are ill-suited to the realities of the cellular and emerging CMRS markets and detrimental to the growth of wireless competition. LATA-based equal access obligations imposed on BOC landline and cellular companies by the MFJ have never corresponded to the Commission's approach to cellular licensing or the measures the Commission has taken to promote the development of cellular service.

^{20/} See Comments of AT&T at 10-11; Comments of LDDS at 18-20; Comments of McCaw Cellular Communications, Inc. at 33-35; Comments of WilTel at 13-14.

^{21/} Ironically, the BOCs have pressed the MFJ court for wireless IXC relief arguing that LATAs are unsuitable equal access boundaries in the current market. In the LATA's place, the BOCs are pressing for wireless equal access using MTA boundaries.

^{22/} See Comments of LDDS at 20 (urging the Commission to rely on current MFJ precedent to define service boundaries); Comments of MCI at 5 (indicating that in a mass CMRS market, even more than a cellular market, the vast majority of calls will originate in the subscriber's home area (the LATA)).

The inability of LATAs accurately to reflect the delivery of cellular service to the public is evidenced by the waivers that have been granted to extend LATA geographic boundaries for some McCaw and BOC cellular systems.^{23/} Moreover, even the BOCs have recognized that LATAs are too restrictive for equal access, and are seeking modification of the LATA as the relevant service area for the application of the MFJ to wireless services.^{24/}

While Comcast does not necessarily agree that uniformity in wireless "local" service areas is desirable, the relevant geographic area for defining equal access obligations should be the MTA.^{25/} The fact that LATAs were adopted in the context of the MFJ does not ensure that they are the appropriate boundaries for CMRS equal access. Moreover, the record does not support broad generalizations

^{23/} Pacific Bell has indicated that the MFJ Court has approved 37 waiver requests for expanded cellular calling areas since 1983. See Comments of Pacific Bell at 4.

^{24/} See Motion of the Bell Companies for a Generic Waiver of Section II of the Decree to Permit Them to Provide Cellular and Other Wireless Services Across LATA Boundaries, United States v. Western Electric Co., Civ. Action No. 82-0192 (HHG) (D.D.C. June 20, 1994); As recognized by BellSouth, "[t]he Bell Companies have previously shown that LATA boundaries are unsuited for this purpose and have created an administrative quagmire in the case of their cellular affiliates, who have filed dozens of equal access waiver requests because cellular licensing areas have no relationship to LATA boundaries." Comments of BellSouth at 38.

^{25/} Accord Comments of New Par at 14 n. 15 (just as LATAs were designed according to the manner in which local exchanges were already served by the Bell System, CMRS areas also should be based upon existing networks).